

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

First Named Inventor: William W. BRECHEISEN      Art Unit: 3754

Application No.: 10/733,119

Examiner: Philippe DERAKSHANI

Filing Date: December 11, 2003

Confirmation No.: 7881

For: LIQUID DISPENSING PACKAGE AND  
METHOD OF MANUFACTURE

\* \* \*

**AFFIDAVIT OF JODI L. YINGLING**

1. In a License Agreement dated October 7, 2004, Patent Owner granted to a Licensee a license to a number of patents and patent applications including U.S. Patent Application No. 10/733,119 ("the Patent Application").

2. Under the License Agreement, if Patent Owner declined to continue to prosecute the Patent Application, it had an obligation to notify Licensee before any applicable deadline, among other obligations.

3. Patent Owner was aware of the USPTO requirement to respond to the Office Action dated May 5, 2006 for the Patent Application.

4. Patent Owner received from patent counsel communication via e-mail advising of the Office Action dated May 5, 2006.

5. Patent Owner discussed, via e-mail, the USPTO's response deadline for the Patent Application, among other things (copy of discussion thread attached).

6. The discussion participants included Jodi Yingling and John Denner, who were employed by Patent Owner or a related entity.

7. Based on incomplete information during the discussion, Applicant mistakenly chose not to respond.

8. I am currently employed by Patent Owner or a related entity as Intellectual Property & Technology Transfer Manager. I participated in the discussions referenced above.

9. Due to error, Patent Owner was not aware when it conducted its discussions that the Patent Application was subject to the obligations of the License Agreement concerning prosecution of pending patent applications. Patent Owner did not intend to fail its obligations in the License Agreement concerning prosecution of pending patent applications.

10. Patent Owner recently learned of the above-mentioned error.

11. Accordingly, the entire delay, from the due date for filing a response to the outstanding Office Action dated May 5, 2006 for the above-captioned application up through today, was unintentional.

12. I swear or affirm that the above statements are true and correct to the best of my knowledge and acknowledge that willful false statements or the like are punishable by fine and imprisonment under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity and enforceability of the patent.

Jodi L. Yingling  
Jodi L. Yingling

6-28-07  
Date

State of Pennsylvania :  
: ss.

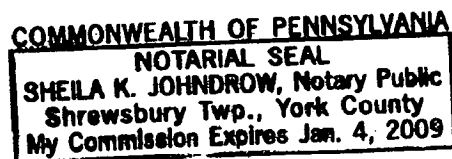
County of YORK :

Before me personally appeared said Jodi L. Yingling and acknowledged the foregoing instrument to be her free act and deed this 28<sup>th</sup> day of June, 2007.

Sheila K. Johndrow  
Notary Public

My commission expires: 01-04-09

(Notarial  
Seal)



John Denner Comments to Abandon and File Divisional for Method Claims (-03)

-----Original Message-----

From: Denner, John

Sent: Thursday, July 13, 2006 9:50 PM

To: 'Lepping, Kavita B.'

Cc: Yingling, Jodi; Denner, John

Subject: RE: GRM17508-02US (210576): First Office Action received

Sorry for such a delay in responding to this. Since the claims of this 17508 are so similar to '188 and '495 and these provide adequate coverage of the technology, I do not see the value of pushing this application further. However, I would still like to pursue the method claims in a divisional case.

Thank you for your patience. John